

MILPERSMAN 1600-010

DESERTERS

Responsible Office	NAVPERSCOM (PERS-842)	Phone:	DSN COM FAX	882-4451 (901) 874-4451 882-2626
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1. Policy

a. A member may be declared a deserter

(1) immediately, if the facts and circumstances of the member's absence, without regard to the length, indicate the member committed the offense of desertion, as defined in Article 85 of the Uniform Code of Military Justice (UCMJ); or

(2) if the member has been absent without authority for 30 consecutive days; or

(3) immediately, if member is absent without authority, without regard to length of absence, and has gone to, or shown intention of going to any foreign country, or remains in any foreign country and requests or accepts any type of asylum or residence from that country or its governmental agencies.

b. The member's parent command is responsible for all documentation throughout the deserter process. If a member has been transferred, the next gaining command is considered the parent command.

c. Members are considered to have returned to military control when they

(1) surrender to military authorities;

(2) are delivered to military authorities;

(3) are apprehended by military authorities; or

(4) have died. A member will continue to be listed as a deserter until Navy Personnel Command (NAVPERSCOM) (PERS-842) is

notified of the member's death by certificate. If the date of death precedes the date of declaration of desertion, the parent command is responsible for determining whether removal of the status of deserter (or unauthorized absence) (UA) is appropriate.

d. Termination of UA is a legal term for the purpose of criminal aspects, and will form the basis of a later charge and specification per the UCMJ. Termination of UA occurs when

(1) a member surrenders to military authorities,

(2) is apprehended by military authorities,

(3) is apprehended by civil authorities on behalf of the military authorities solely on the basis of the member's absence or desertion from the military, or

(4) is made available by civil authorities after an arrest for a civil offense.

2. **This Section Covers**. This section covers the following topics:

Topic	See MPM
Apprehension of Absentees and Deserters	1600-020
Acceptance and Disposition of Returned Deserters	1600-030
Procedures for Commands to Which Enlisted Absentees are Attached	1600-040
Procedures When an Enlisted Absentee Returns to Naval Jurisdiction	1600-050
Declaration of Desertion	1600-060
Declaration of Return from Desertion	1600-070
When a Deserter Surrenders/is Delivered to a Naval Hospital	1600-080
Removal of Marks of Desertion	1600-090
Lost Time	1600-100
Assignment to Navy Correctional Units (CCU)	1600-110

MILPERSMAN 1600-020

APPREHENSION OF ABSENTEES AND DESERTERS

Responsible Office	NAVPERSCOM (PERS-842)	Phone:	DSN COM FAX	882-4451 (901) 874-4451 882-2626
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Governing Directive	Manual for Courts-Martial
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1. Policy

a. Responsibility for coordinating apprehension and return of unauthorized absentees (UA) rests normally with member's commanding officer. Units may request assistance directly from:

Navy Absentee Collection and Information Center (NACIC)
2834 Greenbay Road
North Chicago, IL 60064-3094
1-800-423-7633

b. Responsibility for accurate declaration of Navy deserters rests primarily with member's commanding officer. NACIC is responsible for coordinating apprehension and return of Navy deserters from civil law enforcement authorities.

NOTE: No Navy activity will cause apprehension of, collect, transport, or facilitate release from civil authorities of a Navy deserter unless authorized by NACIC.

2. **NACIC**. Managed by Navy Personnel Command (NAVPERSCOM) (PERS-842), NACIC operates on a 24-hour a day basis. Responsibilities include control, accounting, and dissemination of information concerning members classified as deserters as well as providing timely and complete deserter information to civil law enforcement agencies, and initiating return of deserters apprehended by civil authorities. NACIC is the only entry point of warrants for desertion into National Crime Information Center, Wanted Persons File.

3. **Rules for Apprehension**

a. Naval personnel will not normally apprehend suspected absentees and deserters outside confines of military installations.

b. Members of Armed Forces may only apprehend absentees and deserters under circumstances prescribed by article 7(b) of UCMJ and RCM 302(b), Manual for Courts-Martial (MCM).

c. Any civilian officer having authority to apprehend offenders under laws of United States; or of a state, territory, commonwealth, or possession; or District of Columbia is authorized to apprehend deserters from Armed Forces and deliver them to custody of those forces. This authority is derived from article 8, UCMJ and RCM 302(b), MCM.

d. United States authorities may apprehend absentees and deserters in foreign countries only when authorized by an international agreement with local authorities, or when such apprehension is within purview of an existing international agreement. In the latter case, possible international implications and adverse foreign reactions must be given careful consideration. Outside of jurisdiction of United States, major commands will take such initial actions as the local situation may warrant, within primacy of international agreements, to secure cooperation in apprehending absentees and deserters.

3. **Command Actions.** Commands are responsible for monitoring a member's status while confined by civil authorities or hospitalized. Absentees will not be declared deserters when circumstances surrounding absence are beyond their control, such as

- a. civil arrest and confinement,
 - b. hospitalization, or
 - c. other unusual circumstances determined to be unintentional.
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4. **Military Attachés or Mission Chiefs.** Military attachés or mission chiefs in foreign countries will not accept surrender of

a deserter or absentee and return them to military control, unless United States is directly responsible for presence of that member in the country where assistance is requested. Normally, such deserters and absentees will be advised to report at their own expense to a proper United States military installation within United States or overseas. Unless they are citizens of the country in which assistance is requested, absentees and deserters will be reported to authorities of such foreign countries with a view towards deportation. If member departs the foreign country or is deported, the military attaché or mission chief will make arrangements, if possible, when such departure is known, to have member taken into custody upon arrival within a territory where United States military officers have authority to apprehend.

MILPERSMAN 1600-030

ACCEPTANCE AND DISPOSITION OF RETURNED DESERTERS

Responsible Office	NAVPERSCOM (PERS-842)	Phone:	DSN	882-4451
			COM	(901) 874-4451
			FAX	882-2626

1. **Policy**. Any military installation or command, manned by active duty members, may receive absentees and deserters. Absentees/deserters should be subsequently transferred to the nearest installation of their branch of service which has the facilities to process absentees/deserters. Navy Absentee Collection and Information Center (NACIC) will direct the movement of apprehended Navy deserters.

2. **Procedures**

a. **Officers** will be returned to the command from which deserted, regardless of length of absence, unless otherwise directed by NACIC.

b. **Enlisted** personnel, **absent for 179 days or less**, will normally be returned to their original duty station from which they deserted; however,

(1) deserters absent from an overseas shore activity, unit homeported overseas, or deployed unit (absent from homeport for more than 90 days consecutively), who return to military control within the 48 contiguous United States, Puerto Rico, Alaska, or Hawaii, will be transferred to the Navy processing unit closest to the point of apprehension/surrender.

(2) deserters absent from an overseas shore activity, unit homeported overseas, or deployed unit, who return to military control in an overseas area other than where the parent command is located, contact NACIC for guidance.

(3) deserters absent from an overseas shore activity or unit homeported overseas, absent for 179 days or less, who return to military control in the overseas area where the parent

command is located, will normally be returned to their parent command for disciplinary processing.

(4) deserters absent 179 days or less, assigned to an at-sea ship or unit not deployed, will be returned to Transient Personnel Unit (TPU) at homeport of unit for further transfer to the unit upon return to port.

(5) deserters absent 179 days or less, assigned to an at-sea submarine not deployed, will be returned to the submarine's parent squadron/group or the TPU at the submarine's homeport.

(6) deserters **absent for 180 days or more** will be returned to the Navy processing unit closest to the point of apprehension/surrender. Navy processing activities for the purpose of this article are

Transient Personnel Unit, Puget Sound, Silverdale, WA;
Transient Personnel Unit, Jacksonville, FL;
Transient Personnel Unit, Great Lakes, IL;
Transient Personnel Unit, Norfolk, VA;
Transient Personnel Unit, San Diego, CA; and
Transient Personnel Unit, Pearl Harbor, HI.

c. When a member fails to return to a command after being issued Technical Arrest Orders (TAO) by NACIC,

(1) the **receiving command** will,

(a) within 48 hours after a member's failure to return via TAO, notify NACIC via naval message of the member's status.

(b) forward member's service and health records to NACIC via registered mail if they have them.

(2) **NACIC** will,

(a) following receipt of the naval message, roll the member's UIC to 41104 (BUPERS Deserter Account).

(b) initiate and transmit a Deserter Declaration message, complete DD 553, Deserter/Absentee Wanted by the Armed Forces (signed by the OIC/AOIC), and enter a new arrest warrant into the National Crime Information Center (NCIC) system.

(c) escort members assigned to UIC 41104 who are subsequently apprehended to the nearest TPU, regardless of the length of absence/desertion.

NOTE: In the event a member successfully returns via TAO, the respective command shall notify NACIC of such within 48 hours via naval message. NACIC must be in receipt of this message before transmitting a Return to Military Control (RMC) message.

d. Waivers of the above policy may be authorized if substantial extenuating circumstances exist. If a deserter cannot be returned to the parent command within 30 days from their date of return (excluding hospitalization), notify NACIC, info Navy Personnel Command (NAVPERSCOM) (PERS-842), requesting a waiver of this policy. Waiver request shall be by message, info the parent command and their immediate superior in command.

MILPERSMAN 1600-040

PROCEDURES FOR COMMANDS TO WHICH ENLISTED ABSENTEES ARE ATTACHED

Responsible Office	NAVPERSCOM (PERS-842)	Phone:	DSN	882-4451
			COM	(901) 874-4451
			FAX	882-2626

Governing Directives	NAVSO P-3550, Navy Pay/Personnel Procedures Manual (PAYPERSMAN) NAVSO P-3069, Source Data System Procedures Manual (SDSPROMAN)
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1. Procedures Upon Initial Absence

a. Take the following actions:

(1) List member on the daily Absentee Report as prescribed by U.S. Navy Regulations. Ensure full identification data is recorded, as well as time and date of start of absence.

(2) Provide a copy of the daily Absentee Report to the disbursing officer or Personnel Support Detachment (PERSUPPDET) servicing the command.

(3) Inspect the local living quarters for clues to member's whereabouts.

(4) Question cohorts about possible whereabouts.

(5) Inquire member's local next-of-kin or friends about possible whereabouts.

(6) Check with local disbursing officer/PSD for member's requested distribution of funds; inquire of that institution as to recent, large withdrawal of funds.

(7) Inquire of local hospitals (military and civilian).

(8) Inquire of local law enforcement agencies (military and civilian).

(9) Inquire of local transportation management office about member acquiring recent long-distance transportation arrangements.

(10) Inquire of local religious and counseling services as to recent visits and the member's possible over-powering concerns which might have caused or contributed to the absence.

b. If member's whereabouts remain unknown and foul play is suspected, strong consideration should be given to request the assistance of professional criminal investigative agencies. This is of special importance at overseas locations.

c. If circumstances indicate the person does not intend to return, declare the member a deserter (manifest intent) per this article.

d. In foreign ports where the aid of civil authorities is required, the CO will furnish a copy of the DD 553, Deserter/Absentee Wanted by the Armed Forces, to the nearest consulate of the United States.

e. If UA is less than 24 hours, make a NAVPERS 1070/613, Administrative Remarks, entry to the service record with the exact hours and date, both beginning and ending, and circumstances of UA.

f. If absent over 24 hours, prepare and distribute NAVPERS 1070/606, Record of Unauthorized Absence, per NAVSO P-3550 (Navy Pay/Personnel Procedures Manual (PAYPERSMAN)) or NAVSO P-3069 (Source Data System Procedures Manual (SDSPROMAN)).

2. **Procedures on the 10th Day of Absence.** Take the following actions:

a. Disbursing office will stop all allotments.

b. Notify the member's next-of-kin via the following letter, with a copy to the Staff Chaplain at the appropriate Naval Reserve Readiness Command within the geographical location of the member's next of kin addressee:

"I regret the necessity to inform you that your (son/daughter/husband//etc.), (insert rate and full name), who enlisted in the Navy on (date) and was attached to (parent command), has been on unauthorized absence since (date). Should you know of the members whereabouts, please urge to surrender to the nearest naval or other military activity immediately. The gravity of this offense increases with each day of absence. At this time all pay and allowances, including allotments, have been suspended pending their return to Navy jurisdiction. Should member remain absent for 30 days, we will be required to declare member a deserter and information will be provided to the Federal Bureau of Investigation (FBI), National Crime Information Center Wanted Persons File, which is available to all Federal, state, and local law enforcement agencies. A Navy Reserve Chaplain living near you is available for counsel in resolving this serious problem. Communication with a chaplain in this situation is considered confidential. If you desire to confer with a Navy Chaplain regarding this unauthorized absence, you may contact: Staff Chaplain, Naval Reserve Readiness Command, (address and telephone)".

3. Procedures When a Member Fails to Report on Transfer Orders

a. Take the following action:

(1) Contact the member's previous command to verify member's status and ensure absence is not a result of modification or cancellation of orders.

(2) Make a "Failed to Report" diary entry, as applicable.

(3) Prepare a NAVPERS 1070/613 from information contained on the advance copy of transfer orders or the command's EDVR, showing:

b. "(date) Issued orders by (name of transferring command) to report to (prospective command) not later than (hour and date). Failed to report per such orders and is on unauthorized absences from that time and date."

c. Open a skeleton service record, and file the original NAVPERS 1070/613 and all other available documents. Request duplicate record from Navy Personnel Command (NAVPERSCOM) (PERS-324).

d. Prepare and distribute a NAVPERS 1070/606.

4. **Additional Procedures When Member Misses Movement.** Make the following NAVPERS 1070/613 entry:

"(date): Missed sailing of this vessel from (place of sailing) on (date), enroute to (destination). Member (had/did not have) knowledge of the scheduled time for movement, and (had/did not have) knowledge of the ship's destination. Movement of this vessel (was/was not considered substantial - i.e., not merely a shift of berths in homeport, etc.)."

NOTE: If member misses movement from a foreign port, furnish the nearest U.S. consul a report containing information regarding the disposition to be made of any absentee should the member be apprehended or seek consular aid after the unit's departure.

MILPERSMAN 1600-050

PROCEDURES WHEN AN ENLISTED ABSENTEE RETURNS TO NAVAL JURISDICTION

Responsible Office	NAVPERSCOM (PERS-842)	Phone:	DSN COM FAX	882-4451 (901) 874-4451 882-2626
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Governing Directive	15909G, Enlisted Transfer Manual (ENLTRANSMAN)
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1. **Procedures When Member Returns to Parent Command.** Take the following actions:

a. If absence was less than 24 hours, make NAVPERS 1070/613, Administrative Remarks, entry started per MILPERSMAN 1600-040.

b. If absence was greater than 24 hours, prepare and distribute NAVPERS 1070/606, Remarks of Unauthorized Absences, started per MILPERSMAN 1600-040.

c. If member returned after 10 days, notify the next of kin of member's return, with a copy of the letter to the Naval Reserve Readiness Command originally notified per MILPERSMAN 1600-040.

d. Initiate appropriate disciplinary, and administrative separation action as appropriate and/or desired.

2. **Procedures When Member Returns to a Command Other Than Parent Command.** Take the following actions:

a. Communicate immediately with the member's parent command, obtain confirmation of member's status.

b. Verify with member date and hour absence began, complying with Article 31(b) of the UCMJ (reading member their rights before questioning).

c. Coordinate transportation for member to return to their parent command. Since there are no means to temporarily house member's in this status, except in military facilities, it is essential that the most direct and immediate transportation be secured. Passenger Reservation Requests (PRRs), if used, must state that member is traveling under Technical Arrest Orders (TAOs) in a disciplinary status, or failed to report in compliance with funded official change of station, or temporary additional duty orders.

d. For surrenderee traveling in connection with funded PCS/TEM DU/TEMADD orders, endorse the orders using NAVCOMPT 3067, Detaching (Departing) Endorsements to Orders (Officer-Enlisted) (OCR), and type in the remarks block:

"I understand that all expenses and travel costs in connection with this transfer which are in excess of the original costs of my (PCS/TEM DU/TEMADD) orders will be charged against my pay record".

e. If member is not in possession of original copy of funded orders, then TAO need to be issued and a NAVPERS 1070/613 entry made indicating member is not in possession of funding (PCS/TEM DU/TEMADD) orders.

f. If surrenderee is not traveling under funded orders, issue TAOs using NAVCOMPT 536, Standard Transfer Orders, per ENLTRANSMAN Chapter 23. Clearly indicate on the orders "TRANSFERRED IN A DISCIPLINARY STATUS" and include the following statement:

"(DATE) I acknowledge receipt of these orders. I have read and understand that failure to comply with these orders render me liable to charges of further unauthorized absence, disobedience of orders, and/or manifest desertion as the circumstances warrant. I also understand that all expenses and travel costs in connection with this transfer will be charged against my pay record". (Signed by authorized official (rate/rank/name)).

g. Prepare a NAVPERS 1070/613 entry as follows:

"I understand that all expenses and travel costs in connection with this transfer which are in excess of the original costs of my (PCS/TEM DU/TEMADD) orders will be charged against my pay record. Written Technical Arrest orders were issued and delivered this date transferring (rate/rank/name) to (name of parent command) in a disciplinary status in his/her own custody to report no later than (hour and date). I acknowledge receipt of such orders and acknowledge this statement being entered in my service record."

(Signature of member and date)

Witnessed:

h. Provide the original TAO, Pay Adjustment Authorization (PAA), and NAVPERS 1070/613 to the member and forward a signed copy of each to the gaining command.

i. Ensure the absentee's appearance does not reflect discredit to the Naval service. Utilization of a PAA for haircut and clothes may be required.

MILPERSMAN 1600-060

DECLARATION OF DESERTION

Responsible Office	NAVPERSCOM (PERS-842)	Phone:	DSN	882-4451
			COM	(901) 874-4451
			FAX	882-2626

Governing Directive	NAVSUP P-485, Transportation of Personal Property Afloat
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1. **Policy**. Date and time of desertion always start from the initial unauthorized absence (UA). If UA over leave or liberty, UA/desertion commences at the time leave or liberty expired.

2. **Procedures**. When conditions outlined in MILPERSMAN 1600-010 are met,

a. prepare DD 553, Deserter/Absentee Wanted by the Armed Forces.

NOTE: Write "unknown" in the fields for which information is not available and leave the distribution block of DD 553 blank.

b. declare the member a deserter by transmitting the declaration of desertion message using the format supplied below.

c. file a copy in the member's service record.

NOTE: If the command does not possess member's service record, obtain a duplicate from Navy Personnel Command (NAVPERSCOM) (PERS-313C).

d. mail DD 553 to the Navy Absentee Collection and Information Center (NACIC) at the address listed below. Include the following:

(1) A copy of OPNAV 5527/1, Incident/Complaint Report (ICR), if applicable;

(2) A copy of member's NAVPERS 1070/602, Record of Emergency Data;

(3) Enlistment contract;

(4) Photograph of the member (if available); and

(5) A copy of latest leave papers, or last known address.

NOTE: The DD 553 and declaration of desertion message are required to enter the member into the FBI's National Crime Information Computer (NCIC) Wanted Persons File. NACIC is the only activity authorized to enter desertion warrants into the NCIC.

e. if member deserted from a foreign port, forward a copy of DD 553 to the nearest U.S. consul.

f. if additional information is received, forward it to NACIC.

Mailing address:

**Officer-in-Charge
Navy Absentee Collection and Information Center
2834 Green Bay Road
North Chicago, IL 60064-3094**

3. Critical Precaution

a. Desertion cases are complicated because, in most cases, returnee is separated from their field service record. Service records are always required to adjust pay accounts and for evidence to sustain desertion/UA charges. Incorrect service record processing and documentation, including courts-martial charge sheets, may result in unnecessary delays in bringing offenders to trial and possibly losing a case at a court-martial. Ensure complete, timely, and accurate submission of all documentation.

b. Commands are responsible for the accurate completion and submission of DD 553, declaration of desertion message, and completing appropriate service record entries prior to forwarding records and documents to NACIC. Records received by NACIC that are improperly closed out, or improperly completed, or with inaccurate forms, will be returned to the command for correction and not included in NAVPERSCOM deserter UIC (41104).

4. **Disposition of Personal Effects and Service Records**

a. **Personal Effects:** Per NAVSUP P-485, Transportation of Personal Property Afloat, send personal effects to:

**Officer in Charge
Cheatham Annex
Fleet and Industrial Supply Center Norfolk
108 Sanda Avenue
Williamsburg, VA 23187-8792**

b. **Service Records:** Retain a deserter's record on board for 120 days. On the 121st day forward all records via registered mail to:

**Officer in Charge
Navy Absentee Collection and Information Center
2834 Greenbay Road
North Chicago, IL 60064-3094**

c. Mark outside envelope **"DESERTER - DO NOT OPEN IN MAIL ROOM."** Ensure the following documents are inserted in the record and are completed accurately to prevent return to the command for reprocessing:

- (1) NAVPERS 1070/606, Record of Unauthorized Absence
- (2) NAVPERS 1070/613, Administrative Remarks
- (3) Copy of NAVSUP 29, Inventory of Personal Effects
- (4) Copy of DD 553, Deserter/Absentee Wanted by the Armed Forces
- (5) Copy of declaration of desertion message

d. Overseas shore activities, units home-ported overseas, and deployed units (absent from homeport for more than 90 days consecutively) will forward to NACIC all applicable records and documents after member is declared a deserter and absent 31 days or more.

e. Decommissioning units will send records to NACIC, with annotation on a NAVPERS 1070/613 included in the records, citing when the unit is to be decommissioned. Contact NACIC within 60 days of decommissioning date to arrange for deletion of these members from the command's Enlisted Distribution and Verification Report (EDVR) (accounting category code (ACC) 109 - Deserter).

5. Action by NAVPERSCOM

a. Upon receipt of the declaration of desertion message, NACIC will change the member's on board personnel accounting status to Deserter ACC 109. If member returns to military control within 180 days of the UA date, NACIC will change the member's ACC to the appropriate status. Allow 60 days for this transaction to reflect on command's EDVR. When a member is absent 181 days or more, and NACIC is in receipt of all records, NACIC will then transfer member to NAVPERSCOM Deserter UIC (41104). In the case of deployed units and commands overseas, NACIC will transfer member to NAVPERSCOM Deserter UIC (41104) upon receipt of all records.

b. Replacements will be provided according to priorities in the requisition system and availability of assets.

6. **Message Format**. Use the following formatted message:

FROM: (Originating activity)
TO: NAVPERSCOM DET NAVABSCOLLINFOCEN GREAT LAKES
IL//001//
INFO: NAVPERSCOM MILLINGTON TN//PERS-84//
EPMAC NEW ORLEANS LA//JJJ//
DFAS CENTER CLEVELAND OH//JJJ//
FISC CHEATAM ANNEX WILLIAMSBURG VA //JJJ//

BT

UNCLAS//01626//

SUBJ: REPORT CONTROL SYMBOL BUPERS 1600-3, REPORT OF DECLARATION
OF DESERTION (PERS-842)

MSGID/GENADMIN/(Originator)//

POC//Name/Rate/Rank/Telephone//

RMKS/1. (Member's rate, full name, branch/class, SSN).

2. DECL DESERTER (date), HAVING BEEN ON UNAUTHORIZED ABSENCE
SINCE (unauthorized absence time and date) FROM (activity name
and UIC).

3. MEMBER IS CURRENTLY CARRIED IN ACCOUNTING CATEGORY CODE
(ACC) ON COMMAND'S EDVR.

4. IDENTIFYING INFORMATION: (Items A-H required items)

A. HEIGHT (in inches):

B. WEIGHT:

C. COLOR HAIR/COLOR EYES:

D. SEX/RACE:

E. CITIZENSHIP (US, immigrant, alien, non-immigrant,
alien/Filipino, etc):

F. VISIBLE SCARS, MARKS, AND TATTOOS (verify by medical
record):

G. ALIAS(ES) (if known/suspected):

H. DATE AND PLACE OF BIRTH:

I. HOME OF RECORD:

J. DRIVER'S LICENSE NUMBER, STATE OF ISSUE:

K. EAOS:

5. DD 553 MAILED TO NACIC. (If not, expected date of mailing).

6. MEMBER'S CURRENT SECURITY CLEARANCE: (level/special access
program(s)). Info COMNAVINTCOM/COMNAVSECGRU as appropriate.

7. NEXT OF KIN (NOK) AND READINESS COMMAND CHAPLAIN HAVE BEEN
NOTIFIED. (If not, action being taken to notify them).

8. POV DATA (if known, license plate number, state of plate,
year, make and model, color, and other identifying information).

9. REMARKS: (Suspected to be armed and dangerous/suicidal
tendencies, has mental disorder, fled to avoid trial (include

charges and any amplifying data), etc., and include any details. Provide any information that could assist law enforcement in attempting to locate and/or apprehend the member, including information such as NOK names, addresses, phone numbers, etc.)//BT

NOTE: Assigned REPORT CONTROL SYMBOL BUPERS 1600-3, REPORT OF DECLARATION OF DESERTION.

MILPERSMAN 1600-070

DECLARATION OF RETURN FROM DESERTION

Responsible Office	NAVPERSCOM (PERS-842)	Phone:	DSN	882-4451
			COM	(901) 874-4451
			FAX	882-2626

Governing Directives	DOD Directive 1325.2, Desertion and Unauthorized Absence
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1. Procedures

a. MILPERSMAN 1600-050 provides actions to be taken upon return of a deserter to military control. The activity to which a member returns will submit **DD 616, Report of Return of Absentee** to all recipients of **DD 553, Deserter/Absentee Wanted by the Armed Forces** as detailed in MILPERSMAN 1600-060, and the following message to report the member's return to military control. This message must be submitted even if the deserter has been (or will be) discharged.

FROM: (Originating activity)
TO: COMNAVPERSCOM DET NAVABSCOLLINFOCEN
GREAT LAKES IL//001//
(Member's parent command)
INFO: COMNAVPERSCOM MILLINGTON TN//PERS-84//
EPMAC NEW ORLEANS LA//JJJ//
DFAS CENTER CLEVELAND OH//JJJ//
FISC CHEATHAM ANNEX WILLIAMSBURG VA//JJJ//

BT

UNCLAS//N01626//

SUBJ: REPORT CONTROL SYMBOL BUPERS 1600-2, RETURN OF DESERTER
NAVPERSCOM (PERS-84)//

MSGID/GENADMIN/(Originator)//

POC/Name/Rate or Rank/Telephone//

RMKS/1. (Member's rate, full name, branch, SSN)

2. DESERTER FROM (command) SINCE (time and date).

3. (Apprehended/Surrender) BY/TO (military/civilian
authorities) AT (time and date) AT (location).

4. RETURNED MIL CONTROL (time and date) AT (location).

5. RETAINED ON BOARD FOR (disciplinary action/disposition/
pending return to parent command/or transfer to (activity)).

6. NOK/READINESS COMMAND STAFF CHAPLAIN HAVE BEEN NOTIFIED OF MEMBER'S RETURN TO MILITARY CONTROL. (If not, expected date of notification or intentions, e.g., parent command to notify.)

7. REMARKS: (as appropriate)//
BT

b. The deserter's parent command to which they are assigned for disciplinary action or disposition is responsible for completing NAVPERS 1070/606, Record of Unauthorized Absence.

c. In addition to those actions listed in MILPERSMAN 1600-050,

(1) **Surrenderrees.** Members who surrender will not be placed in civilian jails. Commander, Navy Personnel Command (COMNAVPERSCOM) (PERS-84) or Officer in Charge, Navy Absentee Collection and Information Center (NACIC) may grant an exception in unusual circumstances.

(2) **Apprehendees**

(a) Commands will not pick up or escort deserters unless authorized by NACIC. NACIC will determine disposition and transport/coordinate with the nearest shore patrol if an escorted local move is required. Do not accept deserters from civilian authorities until approval is obtained from NACIC.

(b) If member is being held by civil authorities for civil charges, NACIC must be advised. NACIC will issue a military detainer and arrange escorts upon their return to military control. If the deserter is convicted and sentenced to confinement, NACIC will assign responsibility of the member's case to an area coordinator for review and appropriate action.

d. In accordance with 18 U.S.C. 922 (Brady Bill), Navy is required to notify the Federal Bureau of Investigation (FBI) of the final disposition of all military deserters. In support of this, all Navy activities will forward to NACIC the deserter's final disposition via message within 60 days of the deserter's return. Describe venue (non-judicial punishment or type of court martial), conviction status, list of offenses, list of punishment awarded, charges dismissed, discharge, and characterization. Request for extensions to exceed the 60 days may be made via message to COMNAVPERSCOM DET NAVABSCOLLINFOCEN GREAT LAKES IL//001//.

2. Information

a. If a member was declared erroneously, notify NACIC and Defense Finance and Accounting Service (DFAS) Cleveland by message **immediately** to prevent undue financial hardship, and to prevent member from being entered, or to remove member from the FBI National Crime Information Center Wanted Persons File.

b. A declared deserter discharged in absentia, as authorized by COMNAVPERSCOM, is considered returned to military control for administrative purposes the day of discharge. The discharging activity must, however, prepare the Return to Military Control message to clear member from the deserter files. Indicate in the remarks section the authority used for discharge in absentia.

c. It is imperative when a declared deserter is discharged from Navy, placed on the Temporary Disability Retired List (TDRL), or starts Appellate Leave after physically returning to a command, a Return to Military Control Message; DD 214, Certificate of Release of Discharge from Active Duty; or other appropriate documentation reflecting the member's separation from Service be transmitted to NACIC. Documentation is required in order to reflect the member accurately in the Enlisted Master File, remove the status of desertion, and clear the warrant for arrest from the National Crime Information Computer (NCIC).

MILPERSMAN 1600-080

WHEN A DESERTER SURRENDERS/IS DELIVERED TO A NAVAL HOSPITAL

Responsible Office	NAVPERSCOM (PERS-842)	Phone:	DSN	882-4451
			COM	(901) 874-4451
			FAX	882-2626

1. Absentee UA From Naval Hospital While Under Treatment

a. When a member surrenders or returns to military control to a hospital where they were assigned for treatment,

(1) if member was under TEMADD orders, return them to their permanent duty station for disciplinary action upon completion of treatment.

(2) if member was under TEMDU TREATMENT or TEMDU orders, disciplinary action will be taken by the commanding officer (CO) of the hospital; however, if disciplinary action warrants courts-martial action, the CO may have the member transferred to the nearest disciplinary activity for court-martial action and further disposition.

b. When a member surrenders or returns to military control to a hospital after being absent from another activity,

(1) if member requires medical treatment that results in a period of hospitalization of 30 days or more, comply with the procedures set forth above.

(2) if member required no medical treatment, or medical treatment of less than 30 days, the member will be returned to their permanent duty station for disciplinary action and/or disposition upon completion of treatment, if applicable.

NOTE: The CO of the naval hospital conducts preliminary inquiry or pre-trial investigation on return of deserters or absentees transferred for disciplinary action but with extended hospitalization, provided such action does not interfere with medical treatment.

MILPERSMAN 1600-090

REMOVAL OF MARKS OF DESERTION

Responsible Office	NAVPERSCOM (PERS-842)	Phone:	DSN	882-4451
			COM	(901) 874-4451
			FAX	882-2626

1. Procedures.

a. A mark of desertion entry will be removed as an erroneous entry when member's records are closed for desertion, but member:

(1) was subsequently tried and convicted or acquitted of Unauthorized Absence (UA); or

(2) subsequently was charged with UA and a request for discharge for the good of the service under Other Than Honorable (OTH) conditions has been approved.

b. A mark of desertion will not be removed when a member has been charged with desertion, and when member's request for discharge for the good of the service under OTH condition has been approved by the separation authority.

c. All other cases, including the following, will be sent to Navy Absentee Collection and Information Center (NACIC) for final disposition:

(1) when there is a determination by a board of medical survey that the member was mentally incompetent at the time of absences; or

(2) when the records show that the member was under military control at the time the desertion entry was made.

d. The mark will be removed by submission of a NAVPERS 1070/607, Court Memorandum. The mark must be removed as soon as practical after trial and promulgation of sentence. Action taken will be reported to NACIC via letter or message, with a copy to the command's disbursing office who holds member's pay records.

MILPERSMAN 1600-100

LOST TIME

Responsible Office	NAVPERSCOM (PERS-06)	Phone:	DSN	882-3164
			COM	(901) 874-3164
			FAX	882-2615

Governing Directives	10 U.S.C. 972 DOD 7000.14-R, DOD Financial Management Regulations, Volume 7A, Military Pay Policy and Procedures Active Duty and Reserve Pay
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1. **What is Lost Time?** The table below defines the different types of lost time.

LOST TIME due to...	IS DEFINED as periods of...
unauthorized absence (UA)	UA in excess of 24 hours that is not excused as unavoidable by the member's commanding officer per DOD 7000.14-R, volume 7A.
confinement by civil authorities or confinement by military authorities for civil authorities	confinement by civil authorities (foreign or domestic), or confinement by military authorities for civil authorities in excess of 24 consecutive hours that are not excused as unavoidable by the member's commanding officer. confinement by civil authorities (foreign or domestic) in excess of 24 consecutive hours for an offense which results in court-martial conviction that has been approved and upheld.
confinement by military authorities	military confinement in excess of 24 consecutive hours while awaiting action of higher authority or during trial by court-martial conviction and while serving sentence of a court-martial that has been approved and upheld.
sickness due to misconduct (SKMC)	hospitalization or incapacitation in excess of 24 consecutive hours due to injury, disease, or the intemperate use of drugs or alcohol which are found to be due to the member's own misconduct.

2. **Rules About Lost Time.** Follow the below rules when determining lost time:

a. There must be an absence of more than 24 consecutive hours before any period can be considered as lost time.

b. The calendar day during which absence first occurs, regardless of the hour, is counted as a day of absence from duty. The calendar day of return, regardless of the hour, is counted as a day of duty. A calendar day begins at 0001 and ends at 2400.

c. When time is lost, normal expiration of enlisted dates must be extended by the number of days lost on a day-for-day basis. This applies to expiration of

- (1) enlistment.
- (2) extension of enlistment.
- (3) active service.
- (4) obligated service.
- (5) current contract.

d. The requirement to make up lost time does not apply to Fleet Reservists, retired personnel, or members placed on appellate leave. While lost time will be added to the current enlistment to calculate the correct EAOS, such lost time does not preclude administrative separation or punitive discharge.

NOTE: Time a member spends on Appellate Leave is counted as active duty time for computing longevity. However, this time is not counted for pay purposes unless the member's Bad Conduct Discharge (BCD)/Dishonorable Discharge (DD) is subsequently dismissed or set-aside and the member is recalled to active duty, or recalled for the purpose of administrative separation processing by reason of Review Action (MILPERSMAN 1910-126).

e. Members transferring to the Fleet Reserve or retired list will merely have their lost time deducted from their final active service computation.

f. **Examples:**

95 09 30	(Fleet Reserve Transfer Date)
<u>75 01 28</u>	(commenced active duty)
20 08 02	(total active duty)
<u>01</u>	(plus 1 day when adding inclusive dates)
20 08 03	
<u>01 02</u>	(minus lost time during career)
20 07 01	(adjusted total active service)

g. When there is lost time, the member's Pay Entry Base Date (PEBD) and Active Duty Service Date (ADSD) must be adjusted. Refer to DOD 7000.14-R, volume 7A to determine how an absence effects pay and allowances.

h. If member is apprehended by civil authorities while in an authorized absence status (leave or liberty), and is subsequently confined by civil authorities pending trial, and his or her EAOS is imminent, the command may

(1) retain member in the Navy by reason of "In Hands of Civil Authorities (IHCA)" pending outcome of the civil matter and a final determination on lost time (if any), or

(2) process for administrative separation based on commission of a serious offense (provided the government has sufficient evidence to show by a preponderance of evidence that misconduct did occur).

i. Incarceration by civilian or military authorities suspends the running of the member's active service obligations (unless member is granted regular leave that has already been earned). While incarcerated, such time may be considered lost time, however, a final determination cannot be made until criminal charges are resolved. If convicted, the commanding officer (CO) may declare the time lost to not be excused; if acquitted, the CO may declare the time lost to be excused (entitled to back pay if applicable).

3. **Computing Lost Time.** Below are some examples of how to compute lost time.

IF...	THEN there is...
UA commenced 0800, 9 March, and ended 0800, 10 March (24 hrs)	no lost time since UA did not exceed 24 hours
UA commenced 0800, 9 March, and ended 0830, 10 March (24 hrs, 30 min)	1 day lost time - 9 March
UA commenced 2345, 9 March, and ended 0015, 11 March (24 hrs, 30 min)	2 days lost time, 9 and 10 March NOTE: First day of absence is a day of absence and the day of return is a day of duty.
confined by civil authorities while on liberty at 1700, 9 March, and was convicted by the civil authorities on 5 April and was released to military control on the same day	27 days lost time - 9 March to 4 April
confined by civil authorities while on liberty 1700, 9 March and was acquitted of all charges on 5 April and released to military control the same day	no lost time (member was acquitted) NOTE: Time is not charged as lost time because it is excused.
confined by civil authorities while in UA status (UA commenced 1 Mar), at 1400, 9 March and was acquitted of all charges on 15 March and released to military control the same day.	14 days lost time - 1-14 March NOTE: Member was UA when confined, all time is considered lost time even though the member was acquitted of the civil charge.

MILPERSMAN 1600-110

ASSIGNMENT TO NAVY CORRECTIONAL CUSTODY UNITS (CCU)

Responsible Office	NAVPERSCOM (PERS-841)	Phone:	DSN COM FAX	882-4689 (901) 874-4689 882-2626
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Governing Directives	SECNAVINST 1640.9B, Department of the Navy Corrections Manual SECNAVINST 1640.7D, Administering Correctional Custody, DON Corrections Manual OPNAVINST 1640.7A, Manual for the Operation of a Waterfront Brig/Correctional Custody Unit (CCU)
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1. **Policy**. The correctional custody program is designed to provide a means of disposing of minor disciplinary infractions (normally Article 15 offenders). This program provides a maximum opportunity to effect a change in behavior, military bearing, attitude, and to return to the member's command as a productive Sailor. A member who is being processed for administrative separation is not awarded correctional custody.

2. **Authorized CCUs**. The following is a list of authorized CCUs:

- a. Jacksonville, FL PCF/CCU
 - b. Norfolk, VA Brig/CCU
 - c. Pensacola, FL PCF/CCU
 - d. Puget Sound Brig/CCU
 - e. Pearl Harbor Brig/CCU
 - f. Yokosuka, Japan PCF/CCU
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3. **How to Transfer a Member to a CCU.** Follow the steps below to transfer a member to a CCU.

Step	Action
1	Contact the desired CCU to determine space availability , and required clothing items while in a CCU.
2	Arrange and provide transportation. Because all assignments are TEMADD, all transportation costs will be incurred by the member's command.
3	Obtain certification of member's fitness for assignment to a CCU. Medical authority will document fitness on SF 600, Chronological Record of Medical Care.
4	Prepare TEMADD orders.
5	Ensure on the day of transfer, the member wears the proper uniform of the day and has a regulation haircut.
6	Transfer the member with the following items in the member's possession: TEMADD orders. Copy of NAVPERS 1626/7 , Report and Disposition of Offenses. Service, medical, and dental records (the pay record will be retained on board member's parent command). Copy of the SF 600 documenting fitness. Required clothing items (civilian clothes are not authorized while in CCU). NOTE: If the member does not have required clothing items, the member shall be required to purchase the missing items using a DD504 (Request for Receipt for Health and Comfort Supplies).

4. **Commanding Officer's Responsibilities.** The commanding officer shall:

a. visit the CCU during the member's assignment (if operations and command mission permit);

b. designate a command representative to make weekly visits to the member and attend pre-release orientation (if operations and command mission support. Unless operations are continuous

out of area from the location of the CCU, weekly visits are mandatory);

c. upon member's return, ensure the member is assimilated back into the command in a positive and productive manner.
